

COUNTRY-mans Counsellour,

O R,

Every man made his own Lawyer.

Plainly shewing the Nature and Offices of all Courts; as *Kings Bench, Common-pleas, Chancery, Exchequer, Marshalsey, &c.* With the just Fees for all Writs & proceedings in each Court;

Allowed and Established by act of
Parliament.

AS ALSO

*How to sue a Man to the Out-Lawry, or to Reverse
the same.*

To take a Fine or Recovery.

To sue an Attorney or Clerk.

To get an Injunction in Chancery to stop your Adversaries proceedings at Law.

To sue in Forma Pauperis, &c.

With approved Precedents, and easie Directions

for all persons, how to make according to

Law, Bonds, Bills, Acquittances, Gene-

ral Releases, Letters of Attorney,

Bills of sale, Wills, &c.

Work most useful to all persons, the like Not
Extant, and now published for a general good.

With Allowance.

By H. R.

Printed for J. Clarke, at the Bible and Harp near
the Hospital-Gate, in West-Smithfield.

THE
COUNTY OF
OF

IN THE
YEAR OF OUR LORD

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The Country-Man's Lawyer.

YOU must understand there are at *Westmin*
ster four Courts: the Kings-Bench, and
 the Common-pleas for Law: the Chance-
 ry for equity, and the Exchequer for both: but
 in cases only wherein the King either really, or
 upon suggestion is concerned: you may take out
 Writs from the Common-pleas, or Kings-Bench
 at any time, but they always both bear date, and
 are returnable on some days in the Term: but
 the Chancery is always open, and the Exche-
 quer some days before and after the Term.

Of the Common-pleas.

IN this Court you may sue for debts, accounts,
 Titles of Land, Trespasses, and almost all other
 differences that can happen between man and
 man, wherein there is no criminal matter or
 breach of the peace.

The first process here is call'd an original, upon
 the making out of which, if the debt or damages
 therein specified exceed 40*l.* you must pay down
 as a fine to the King, from 40*l.* to a 100 marks, 6*s.*
 8*d.* and if a 100*l.* 10*s.* and so proportionably.

In this Court it is that Men are commonly sued to the Out-Lawry : A remedy intended by the Law, only against such as hid themselves from, or forcibly withstood being taken by ordinary process; whereupon after several writts returned, that they could not be found, and proclamation made five days by the Sheriff at the County Court, they stand Out-law'd, incapable to bring any Action, or liable to have their Persons or Estates seized in the nature of Execution, as well on the behalf of the King as the plaintiff : but now some envious people make use hereof to vex their neighbours by Out-lawing them for trifles before they hear a word of it ; which is a very great abuse.

To sue a man to the Out-lawry , requires the space of three terms, but if you begin in the first Week of one term, you may take the advantage of the term before : for dating your Writts, the several process and Fees are as follows.

Michaelmas Term. 28th. of K. C. 2.

<i>Doe</i>	{	For the Kings Fine	—	0	—	10	—	0
<i>against</i>		For the Original Post	—	0	—	02	—	0
<i>Roe.</i>	{	diem and Entry	—	0	—	02	—	0
		For the Capias Seal & Post diem	—	0	—	02	—	0

Hilary following.

	{	For the Alias Capias and Post diem	—	0	—	01	—	11
		For Attorneys Fee	—	0	—	03	—	04

Easter

(3)

Easter following.

For the pluries Carpias seal & post diem	3	0	—	01	—	01
For the VVarrant of Attorney	3	0	—	00	—	04
For the Exigent & seal	0	—	02	—	02	
For return thereof	0	—	01	—	00	
For the Attorney's Fee	0	—	03	—	04	

In all — 01 — 08 — 03

If you suspect any body is suing you to the Out-Lawry privately, you may search the Philizers, or Exigenters Office, which will cost but 4d. a Term; and if you find it before the Exigent returned, which is the last VVritt, for about 14s. charge you may get a Superfedeas and in such case the plaintiff looses all his charges, and must accept of Common Bail; but if you are already actually Out-law'd, you must put in special Bail, and it will cost you heer 40s. to reverse it.

Of Fines and Recoveries.

In this Court are pass'd all Fines and Recoveries; The use of a Fine is to barr a woman of her title, thirds, or Right of Dower in some Land the Husband is minded to sell, and therefore she is always examined apart by the Judges or Commissioners, to know whether she part with it freely without the compulsion of her Husband: these Fines may be acknowledged either in the Court of Common

pleas at *Westminster* in Term time, or before the Lord Chief Justice of that court, out of court, or in the country, by commission to certain gentlemen for that purpose named; or before the judges at the Assizes; in all which cases the Fees are somewhat various, but the most certain, as follows,

The charges of a Fine.

For drawing the concord	—	—	0	—	3	—	4
My Lords Fee	—	—	0	—	9	—	8
Ingrossing the concord	—	—	0	—	2	—	0
Writt of covenant	—	—	0	—	3	—	0
Retorn thereof and post Diem	—	—	0	—	2	—	4
For the Fine (according to the value of the premises,	}		0	—	0	—	0
To the Receiver	—	—	0	—	0	—	6
Entry and Indorsement	—	—	0	—	2	—	0
Hand	—	—	0	—	0	—	4
Warrant	—	—	0	—	0	—	8
To the Custos. Brevium	—	—	0	—	3	—	8
Clark of the Kings Silver	—	—	0	—	1	—	4
To the Chirographer	—	—	0	—	6	—	8
For ingrossing the Fine	—	—	0	—	3	—	0
Attorneys fee	—	—	0	—	6	—	8

In all (besides the fine } 2 — 5 — 2
to the King]

Recoveries are frequently added to fines, and their use is to cut off Intails, & bar those in Remainder; & is a security of the highest nature in Law;

Law; and not to trouble the reader with another tedious Bill, the whole charge of it is between five and six pounds in ordinary Cases.

Of the Court of Kings Bench.

THe leading Writts here are a bill of *Middlesex*, if the defendant live in that county; for which you pay 2*s*. 1*d*. Or a laticate, if in any other county of *England*; which costs 4*s*. 7*d*. The Warrant from the Sheriff upon these in *Middlesex* or *London*, is but 4*d*. but the Sheriffs in remote counties require more.

If you sue a Man here for a certain debt due on bond, or the like, above the value of 10*l*. you must mark your writt for special bail, that is, not only force him when taken, to give security to the Sheriff to appear, but likewise at the return of the Writt to give in fresh bail before a Judge, to satisfie what you shall recover of him, and till this be accepted of, the bail to the Sheriff is not discharged; but in matters under 10*l*. An appearance alone serves turn.

If you cannot take the defendant on your Latticate you may renew it; which is call'd an Alias, and costs 2*s*. 7*d*. And so a Pluries at the same rate.

The high Court of Chancery.

THe nature of this court is to moderate the exact rigours of Law; & therefore is called a court of Equity; as if a man have by negligence or necessity forfeited a bond of 200*l*. by not pay-
▲ 4
ing

ing 100/. on the precise day, according to the condition, or Land Mortgaged, of great value, for not paying some small sum borrowed on it; Here you may enforce such over-reaching Misers to take only their due debt, interest, and charges, and thereupon cancel the Bond, or reconvey the Estate Mortgaged: and the like in a thousand other cases.

The proceedings are here by English bill, where in the complainant setteth forth his grievance, making use of what suggestions his counsel thinks fit to pump and winnow out the truth from his Adversary; who is bound to answer thereunto strictly in all points upon his Oath, and if he boggle or refuse so to do, must pay costs for insufficient answers.

Your first process is a subpœna, which costs 3s. and must be serv'd by delivering it to the Defendant, or leaving it under seal at his Habitation; of which, Oath (Affidavit they call it) must be made; and then if he do not appear, there goes a Writ to Arrest him, called an attachment, and so if he stand out in contempt, a Writ of Rebellion, and at last a Serjeant at arms; the Defendant must appear by one of the Clerks of the six Clerks office, whose Fee every Term is ten Groats; but if there be twenty Plaintiffs in a Bill, they all pay but one Fee; after the Defendant hath put in his Answer, the Plaintiff replies; and then they examine Witnesses, and so the cause comes to a Hearing, and

and what the Court determines therein, is called,
The Decree.

Fees in Chancery.

For all copies of Bills, & answers,	0	0	0
every sheet conteyning 15 lines.	0	0	9
For an Attachment	0	0	4
For breaking it up with the Sher- riff, and his VVarrant	0	0	4
For a Commission of Rebellion	0	1	8
For swearing every Affidavit	0	0	0
For drawing up of an Order up- on a motion to the Register,	0	0	0
for the first side	0	0	0
For every other side	0	0	6
Entring the same, every side	0	0	6
For a Decretal Order, the Fees are the same, only for the word De- crees you pay more	0	1	8
For filing every Affidavit or report	0	0	8
For the solliciters termly fee	0	0	8

Suits in Chancery are often brought to stop pro-
 ceedings at Law; which is done by a writ called
 an Injunction, strictly charging the Defendant
 (that is the plaintiff at common Law) not to go on
 there, but suffer the cause to be decided in this
 Court; this Injunction is thus obtained: when you
 have fill'd your Bill, if the Defendant do not ap-
 pear

pear or answer in due time, (that is within the space of eight days) then the court will of course grant you an Injunction : but if he do answer, your Counsel must move for it from the equity and merits of your cause, or in some cases by offering to lodge the money in dispute in Court till the hearing of the cause? The fees of an Injunction in all are 1*l*.—4*s*.—6.

Of the Court of Exchequer.

THe proceedings of this Court are either in the Exchequer chamber, where the pleadings are in english by Bill and Answer, like the Chancery, or in the Office of pleas by declaration, & pleas after the manner of the common Law : Here all persons indebted to the King are upon that account admitted to sue those that owe them money : and therefore Ministers frequently make use of it to recover their Tyths ; The first process is a subpæna, which costs 4*s*. 7*d*. and in this writt you may put four names, so that when a man has many men that owe him small debts, and is not willing to put himself to the trouble, and them to the charge of an Arrest, 'tis a good way to take out subpæna's out of the Office of pleas, which any friend may serve by leaving Libells or tickets thereof with each defendant, which commonly frights them so that they pay him or give him security, or if they do not, and fail to appear, he has an Attachment, on which they must be arrested by Bayliffs, & pay him his charges

charges: a course very mild & fit to be followed, where the defendant is of any honesty or ability.

The Marshalls.

THis Court has only jurisdiction within 12 miles from *White-hall*; (but not in the liberties of *London*) and was originally intended only where one of the parties was of the Kings household: but now people of all qualities make use of it; for a writ here you pay 2*s.* & by custome give a shilling when you deliver it to the officer, which may be renewed or continued from one court day to another (that is every friday) for 4*d.* a time: they hold people to special Bail in all cases, and a Cause generally comes to a Tryal in three weeks or a month: the Attorneys fee is but 2*s.* 6*d.* a Councillors 5*s.* and the charges of the plaintiff to bring a cause to tryal about 50*s.*

How to sue Attorneys, &c.

MAny people complain foolishly of the difficulty of suing Attorneys, and the like officers of courts, for indeed they are more easily prosecuted then others, for you are not put to the trouble of arresting them, but only to file a Bill or Declaration in the Court they belong to: if they be of the Common pleas in the Prothonotaries Office they are entered in: if of the Chancery, in the pettibag Office, and if they do not plead to it in due time, they are fore-judged the Court, that is, sequestrated from Practice, and denyed their pri-

priviledge, so that then you may arrest them ; but if they plead, the proceedings are the same, and you have as fair play at them as at any other persons.

How to obtain Admission in Forma Pauperis.

A Person that has just right, but not an able purse, must in this case get a petition drawn to the Judge of that Court where he intends to begin, setting forth the justice of his cause, and his indigency, and praying that he may be admitted, and such an one for his Attorney, or Clerk in Chancery, under which must be an Affidavit that the petitioner is not worth five pounds besides the matter in question.

Choice and approved Presidents.

The True forme of a Bond.

Noverint universi per presentes me (or if two or more be bound, Nos) Henricum Bostocke de Tingery in Comitatu Bedford, Yeoman, Teneri & firmiter obligari VVillielmo VVest de Tuddington, in Comitatu predicto Generoso. In Viginti Libris bona & legalis moneta Anglia, solvend. eidem VVil. VVest, aut suo certo Attornato, Executoribus, Administratoribus, vel Assignatis suis : Ad quam quidem solutionem

solationem bene & fideliter faciendum obligo me (or if two or more, Nos & utrumque, or, quemlibet nostrum) Heredes Executores & Administratores meos (or if two or more Nostros, & utriusque, or, cujuslibet nostrum per se pro toto & in solido) firmiter per presentes, sigilla meo (or if more, Nostri) sigillat. Dat. Quarto die Aprilis Anno Regni Domini nostri Caroli secundi, Dei Gratia nunc Regis Anglia, &c. Vicesimo Nono, Annoq; Dom. 1677.

The condition of this Obligation is such, that if the above bound *Henry Bostocke*, his (or if more than one bound, their) Heirs, Executors, or Administrators, (if more, add, or any of them) do and shall well and truly pay, or cause to be paid unto the above named *William West*, or to his certain Attorney, Executors, Administrators, or Assigns, the full & just sum of ten pounds of lawful money of *England*, on, or before the four and twentieth day of *June*, next ensuing the day of the Date above written, without fraud or further delay, then this present Obligation to be void, and of none effect, or else to stand and be in full force and vertue.

*Scaled and Delivered
in the presence of*

Note that some use to name a certain place of payment, as at the said dwelling House of the said *William West*, situate in *Tuddington* above mentioned; but that is for the advantage of the bor-

POWER

power, not the lender, for otherwise he is bound at time of payment to find out his creditor where ever he be, and tender the money to him, or he forfeits his bond.

Note also, that if interest be agreed to be paid, you must compute what it comes to, and add it to the sum payable, for otherwise the Law will allow it only from the time the money becomes due.

If the money be to be paid at several days, then when you come to mention the sum in the condition, say thus, the full and just sum of ten pounds in manner and form following, that is to say, five pounds, part thereof on such a day, & five pounds residue thereof on such a day; or if by weekly or monthly payments, then, twenty shillings, part thereof on munday such a day; twenty shilling, more thereof on munday such a day; and so twenty shilling, on every muesday, (or every first day of the month, if by the month) till the said sum of ten pounds shall be paid in full payment and satisfaction of the said sum of ten pounds. And then at last instead of, *or else to stand and be, &c.* say: But if default shall happen to be made in any, or either of the said payments, then this present obligation to stand or be in full force and vertue. For otherwise your Bond cannot be sued till after all the money is become due.

But because many through ignorance in Latin know not exactly how to write a Bond,

will

will here shew them the form of a penal Bill;
which is as good and sure to all intents and pur-
poses.

A Bill Obligatory with a Penalty.

K Now all Men by these presents, that *I T. B.*
of *C.* in the County of *D.* Gent. do owe and
am justly indebted unto *E. F.* of *G.* in the
County of *H.* Yeoman; the full summ of ten
pounds of lawful money of *England*; to be paid
unto the said *E. F.* or to his certain Attorney,
Executors, Administrators, or Assigns, on or
before the 29th. day of *September* next ensuing
the date hereof; to which payment well and
truely to be made and done, I bind my self, my
Heirs, Executors, and Administrators, in the
full summ of twenty pounds of like lawful
money of *England* firmly by these presents, seal-
ed with my seal. Dated the 3d. day of *April* in
the 29th. Year of the Reign of our Sovereign
Lord King *CHARLES* the Second, *Annoq.*
Dom. 1677.

Sealed and delivered
in the presence of

But

But note, you be sure to have the parties seal as well as hand to all such Bills, for otherwise 'tis no specialty, and if you do not sue for it within six years (not seven, for that's a Vulgar error) he may plead the statute of Limitation to you ; for no man is bound to pay book Debts, Notes of his hand onely, or the like, after that time.

A General Release.

K Now all men by these presents, that I *T. W.* of *C.* in the County of *E. Gent.* Have remitted, released, and quite claimed, and by these presents do Remise, Release, and for ever quite claim unto *R. C.* of *D.* in the same County, Yeoman, his Heirs, Executors, and Administrators : all and all manner of Actions, Suits, cause and causes of Actions and Suits, Bonds, Bills, and all other writings and Accounts, Debts, Dues, and Reckonings, sum and sums of Money, Controversies, Judgements, Executions, Statutes Merchant, and of the Staple, Outlawries, and all other Claims and Demands whatsoever : which I the said *T. W.* ever had, now have, or which I, my Heirs, Executors, Administrators, or Assigns, at any time hereafter may, might, or could have, to, with, or against the said *R. C.* his Heirs, Executors, or Administrators, for, or by reason of any Matter, cause, or thing :
from

from the beginning of the world, until the day of the Date Hereof: In witness whereof, I the said T. W. have hereunto set my Hand and Seal, this tenth day of Feb. in the 29 Year of the Reign of our Sovereign Lord King Charles the Second, &c. *Annoq. Dom. 1677.*

'A Receipt for Rent.'

Received this 30th. day of *March*, 1677. Of *John Paywel*, the sum of five pounds in full, for one quarters Rent for the Tenement and Farm which he holdeth of me, due at *Lady-day* last. } 5 00-00

I say Received

by me, *Tho. Truelove*.

The form of a Bond of Arbitration]

The Obligation is like all others, the Condition as follows.

THe Condition of this Obligation is such; that if the above bound *Bridget Horner*, her Heirs, Executors, and Administrators, do, and shall, from time to time, and at all times hereafter for her and their parts, well and truly stand to abide, obey, observe, perform, fulfill, and keep

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all

all and every the Award, Arbitrament, order, rule, judgement, and final determination of John Bold of Peterfield in the County of Southampton, Gent. & Richard Taylor of London, Gent. Arbitrators indifferently named, elected, and chosen, as well on the part and behalf of the said B. H. as on the part and behalf of the above-named Thomas Dipnal; to arbitrate, award, order, rule, judge of, and finally to determine of, for, upon, and concerning all and all manner of Real and Personal Actions, and Suits, Cause and causes of such actions and suits, bonds, bills, reckonings, and accompts, debts, dues, trespasses, controversies, judgments, executions, and all other claims and demands whatsoever, had, made, moved, stirred up, or in any wise depending between the said parties, for, or by reason of any matter, cause, or thing whatsoever, from the beginning of the world until the day of the date above written; so as the said Award and determination of the said Arbitrators, in, of, and upon the premises be made and ready to be given up in writing under their hands and seals, to the said parties or either of them demanding the same, on, or before the second day of June next ensuing the date above written; Then this present obligation to be void and of no effect or else to stand, remain, and be in full force and vertue Scaled, &c.

The form of an Indenture of an Apprentice.

This Indenture witnesseth, That *Henry Napp*, Son of *Joseph Napp*, late of *Guilford* in the County of *Surry* Clothier, hath put himself and by these presents doth voluntarily put himself Apprentice to *William Prigg* of *Kingston upon Thames*, in the County aforesaid Butcher, to learn his Art, after the manner of an Apprentice to serve him from the day of the date hereof, for, and during the Term of seven years thence next following: During all which Term the said Apprentice his said Master faithfully shall serve, his secrets keep, his lawful commandments every where obey. He shall do no damage to his said master, nor see to be done of others, without letting or giving notice thereof to his said master: he shall not waste his said masters goods, nor lend them unlawfully to any; he shall not commit fornication, nor contract matrimony within the said Term; At Cards, Dice, or any unlawful Game he shall not play, whereby his master may have damage, with his own goods or others: He shall not absent himself day nor night from his masters service without his leave, nor haunt Ale-houses, Taverns, or Play-houses, but in all things behave himself as a faithful Apprentice ought to do, during all the said Term. And the said master shall

use the utmost of his endeavour, to teach, or cause to be taught or instructed his said Apprentice in the Trade or mystery that he now followeth: and to find and provide for him sufficient meat, drink, apparel, lodging, and washing befitting an Apprentice during all the said Term. And for the true performance of all and every the said Covenants and Agreements, either of the said parties bind themselves unto the other by these presents. In witness whereof, they have interchangeably set their hands this 10th, day of April, &c.

A Bill of Sale for any Goods.

Now all men by these presents, that I *T. Downes* of &c. for, and in consideration of the sum of &c. to me in hand paid by *W. Harris* of &c. at and before the sealing hereof, have bargained and sold, and by these presents do bargain and sell fully, clearly, and absolutely unto the said *VV. H.* in plain and open market, the Goods and Chattels following, viz. One Feather-bed, Two Dozen of Turkey-work-Chairs, &c. (As the case is) to have and to hold the same Feather-bed, &c, to the said *W. H.* his Executors, and Assigns; to his

his and their own proper use, and uses, for ever :
 And I the said T. D. my Executors, and Admini-
 strators, and every of us, the said Feather-bed,
 &c. unto the said V V. H. his Executors, and Ad-
 ministrators, against all people shall and will for
 ever acquit and defend by these presents, *Provided*
always ; That I the said T. D. my Executors or
 Administrators, or any of us, do well and truly
 pay unto the said V V. H. his Executors, or Admi-
 nistrators, the full summe of 8 l. on the 24th. of June
 next ensuing the date hereof, without fraud or
 covin : then this present Bill of Sale, and the bar-
 gain and Sale of the said Feather-bed, &c. shall
 be utterly void and of none effect: or else to stand
 and be in full force and vertue.

*Sealed and delivered, together with
 the said goods above mentioned,
 in the presence of*

The

The form of a Letter of Attorney.

K Now all men by these presents, That I *Samuel Knight* of &c. Marriner, have named and constituted, and by these presents do name, ordain, appoint, and make my trusty Friend *John Saker* of *London*, Merchant, my true and lawful Attorney, for me, and in my name, and to my use (Or if so intended——But to his own proper use, without rendring any account) to demand, sue for, recover, and receive of *Richard Johnson* of *Shrewsbury*, the sum of twenty pounds justly to me due and owing by and from the said *Richard Johnson*: Giving, and hereby granting unto my said Attorney, my full power and authority, to use and execute all such acts, things, and devises in the Law, as shall be necessary for Recovery of the said debt: and Acquittances or other discharges in my name to make and give, and generally to do and execute in the premises, as fully as I myself might or could do, being personally present: ratifying confirming and allowing, all and whatsoever my said Attorney shall lawfully do or cause to be done therein by these presents. In witness whereof I hereunto set my hand and seal this 1st. day, &c.

The

The form of a Will.

I **I**n the Name of God: Amen. I *Simon Sudbery* of &c. Being sick of body, but in sound and disposing memory, praise be given to God for the same; do make this my Last Will and Testament in manner and form following: that is to say: first and principally I resign my Soul into the merciful hands of Almighty God my Creator, assuredly hoping through the merits of my blessed Saviour, to obtain Remission of all my sins: and my Body I commit to the earth whence it was taken, to be decently buried by the discretion of my Executrix herein after named: and as for the worldly goods and estate the Lord hath lent me, I dispose thereof as follows. *Imprimis*, I give and bequeath to my daughter *Mary Sudbery*, all those my Lands and Tenements at *Bocking*: To have and to hold to her and her heirs for ever. *Item*, I give and bequeath to my Cousin *N. G.* the Summ of Fifty pounds, to be paid within six months after my decease: (And so name your several Legacies, and then conclude thus;) and all the rest and residue of my Estate, Goods, and Chattels, not herein before bequeathed, after my Debts and Funeral Expenses discharged

(22)

I do give and bequeath unto my dear and loving
Wife Dorothy Sudbery, whom I do make sole Ex-
ecutrix of this my last VVill and Testament: Re-
voking all other VVills by me heretofore made.
In witness whereof I have hereunto set my Hand
and Seal, this 26th. day of &c.

Signed, sealed, and Published,
in the presence of

John to have of John

Book to have of John 2-3
one Shrook & head 2-9

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John to have of John 2-2
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